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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/408,112	09/29/1999	JEFFREY G. WHITELAW	245/282	3606

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EXAMINER

HOYE, MICHAEL W

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 02/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/408,112

Applicant(s)

WHITELAW, JEFFREY G.

Examiner

Michael W. Hoye

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/29/99 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on October 30, 2003 have been fully considered but they are not persuasive.

Regarding independent claims 1 and 13, the Applicant argues that, "Kim discloses nothing more than a list of TV ratings, movie ratings and subject matter (Kim, Figure 10) requiring manual configuration by the user to enable the V-chip settings to fit the user's family profile. Kim does not teach, suggest or disclose a preset specification set selectable based upon the user's family profile as claimed in claims 1 and 13."

In response, the Examiner respectfully disagrees with the Applicant because the Kim reference clearly discloses in the watching restriction menu screen 60 as shown in Fig. 10, that programs above the "TV-G" preset will be blocked for that particular viewing household or according to the parental preference(s) or "family profile" as shown. As currently claimed, the Kim reference discloses in Fig. 10 a "family profile" according to a "preset specification set" that blocks all television programs above "TV-G", which comprises a "rating" and is inclusive of at least one or more subject matter categories.

The Applicant asserts that, "Kim does not disclose a preset specification set which comprises a rating and a subject matter category as claimed in claims 1 and 13." More specifically, the Applicant argues that, "[the previous Office] Action states that "any one of, some of, or all of the age rating n content rating codes may be selected to be set for blocking" [and argues that] there is no disclosure in Kim which can support this statement. Neither Figure

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11 nor the disclosure within Kim that makes reference to Figure 11 (col. 6, lines 1-20), supports this statement, either inherently or explicitly...”

In response, the Examiner respectfully disagrees with the Applicant because Kim clearly shows in the help message at the bottom of the table menu screen 62 of Figure 11, that the cursor may be moved up, down, left or right, as shown by the “MOVE CURSOR” arrows. Therefore, the cursor may move among the rating codes according to the age of the viewers on the vertical axis as well as among the rating codes according to the contents of the program on the horizontal axis (col. 6, lines 10-13). According to the Kim reference in col. 6, lines 13-17, “When the user sets one rating code on the table using the cursor (step S236), the rating code on which the cursor is placed is set. At this time, the program rating which is out of scope of the program rating set by the user is blocked out automatically.” For example, if a user sets the rating code for “TV-G” to “BLOCKED” (symbolized by a “X”), all of the rating codes “TV-PG”, “TV-14” and “TV-MA” would be blocked automatically. Therefore, if the user selects “TV-Y” for the age rating code, all of the age rating codes would be blocked. If the user selects an age rating code in between the youngest and the oldest rating code, some of the rating codes would be set for blocking. And, if the user selected “TV-MA”, only one of the age rating codes would be set for blocking. The cursor may also be moved along the horizontal axis for content blocking within age rating codes. Kim also discloses that blocking may be set according to preset MPAA rating codes (Figs. 13 and 14).

Regarding independent claim 20, the Applicant argues that, “Collings...only discloses preferences selectable based on the content or rating of the program and does not teach, suggest

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or disclose a preset specification set selectable based upon the user's family profile as claimed in claims 1 and 13."

In response, the Examiner respectfully disagrees with the applicant because a family profile for a particular viewing household may consist of a preset program category threshold of "PG" as shown in Figure 5D.

Applicant's additional arguments with respect to independent claims 1, 13 and 20, as well as arguments for independent claim 29, have been considered but are moot in view of the new ground(s) of rejection.

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 37-46 have been renumbered 35-44.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-7, 9, 11-18, 29-36, 39-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Kim (USPN 5,995,133), cited by the examiner.

As to claims 1 and 2, the Kim reference discloses a method for blocking out programs according to user or parental preferences, which may be considered a “family profile” for a viewing household. The Kim reference clearly discloses in the watching restriction menu screen 60, as shown in Fig. 10, that programs above the “TV-G” preset will be blocked for that particular viewing household or according to the parental preference(s) or “family profile” as shown. As currently claimed, the Kim reference discloses in Fig. 10 a “family profile” according to a “preset specification set” that blocks all television programs above “TV-G”, which comprises a “rating” and is inclusive of at least one or more subject matter categories. The rating codes “TV-Y” – “TV-MA”, which included content rating codes “FV, V, S, L and D”, meet the claimed “one of one or more present content-based specification sets stored by the manufacturer in permanent memory.” “Preset rating” codes (column 2, line 8), such as “Television Guidelines” (column 5, line 48) and “Motion Picture Guidelines” (column 5, line 50), are permanently stored in the device, comprising a rating and a subject matter category (Figures 11,12,16). A “receiving section” (column 2, line 41) receives the program signal and outputs audio and video via the “audio circuit” (column 2, line 44) and “video circuit” (column 2, line 46), while a decoder outputs a “rating code” (column 2, line 50) retrieved from the program’s “rating signal” (column 2, line 48). A user can “select” (column 5, line 56) a rating code that is compared with the program’s read out rating code via the “control section” (column 2, line 51), which “executes an operation for blocking out the program” (column 5, lines 64-65) according to this comparison. Moreover, Kim clearly discloses in col. 6, lines 1-2 that, “Ratings of the

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television guidelines menu are classified according to age and television program's contents." In col. 6, lines 4-7, Kim continues, "If the television guidelines menu is selected, the user can select one rating from the following ratings: TABLE, TV-Y, TV-Y7, TV-G, TV-PG and TV-14, while circulating through these ratings (step S230)." In addition to, Kim discloses a flowchart in Fig. 5, which shows in S230 and S232 that the user must eventually select the "TABLE" option in order to proceed within the TV Rating/Television guidelines menu, otherwise the process will continue looping in S230 & S232 (col. 6, lines 8-20). When the "TABLE" option is selected (col. 6, line 8) and a table is displayed as shown in Fig. 11 (which may have similar or different settings), the user may set a rating code (S236, Fig. 5 & col. 6, lines 13-17). The overall rating code or "preset specification set" as shown in Fig. 11 comprises ratings (rating code according to the age of the viewers in the vertical axis) and a subject matter category (rating code according to the contents of the program in the horizontal axis). Each of the preset age rating codes (TV-Y, TV-Y7, TV-G, TV-PG, TV-14 and TV-MA) has a corresponding level of multiple content rating codes (FV, V, S, L, and D), and any one of, some of, or all of the age rating and content rating codes may be selected to be set for blocking. The user may setup one or more macro function key(s), which stores preset rating codes, whereby the user may select one or more of the preset content-based specification sets. Kim discloses a method for changing a rating code with a macro function key and a receiving apparatus having a function for blocking out a program accordingly (col. 3, lines 49-51 & col. 4, lines 20-23), a preset rating code (col. 4, line 52) and memory 18, that may consist of a non-volatile memory for storing the rating code (col. 4, lines 24-26). Kim clearly shows in the help message at the bottom of the table menu screen 62 of Figure 11, that the cursor may be moved up, down, left or right, as shown by the "MOVE

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CURSOR” arrows. Therefore, the cursor may move among the rating codes according to the age of the viewers on the vertical axis as well as among the rating codes according to the contents of the program on the horizontal axis (col. 6, lines 10-13). According to the Kim reference in col. 6, lines 13-17, “When the user sets one rating code on the table using the cursor (step S236), the rating code on which the cursor is placed is set. At this time, the program rating which is out of scope of the program rating set by the user is blocked out automatically.” For example, if a user sets the rating code for “TV-G” to “BLOCKED” (symbolized by a “X”), all of the rating codes “TV-PG”, “TV-14” and “TV-MA” would be blocked automatically. Therefore, if the user selects “TV-Y” for the age rating code, all of the age rating codes would be blocked. If the user selects an age rating code in between the youngest and the oldest rating code, some of the rating codes would be set for blocking. And, if the user selected “TV-MA”, only one of the age rating codes would be set for blocking. The cursor may also be moved along the horizontal axis for content blocking within age rating codes. Kim also discloses that blocking may be set according to preset MPAA rating codes (Figs. 13 and 14).

As to claim 3, the reference discloses that “if the rating code of the received program is out of scope of the preset rating code” (columns 6-7, lines 66-1), the audio and video outputs are blocked out.

As to claims 4-6, the reference clearly discloses television ratings, movie ratings, and one of the subject matter categories of FV, D, L, S, and V (see Figures 11-13, 16, and column 6, lines 6-7, 26).

As to claim 7, the reference clearly discloses a plurality of preset content-based specification sets such as "Television Guidelines", "Movie Guidelines", and "Unrated Programs" (see column 5, lines 47-53).

As to claim 9, Kim discloses a "restriction menu screen" (column 5, line 57) through which the user selects the specification set he desires.

As to claim 11, Kim discloses that a "password" (column 4, line 23) is to be entered when the user modifies and/or selects a preset specification set.

As to claim 12, Kim discloses that a "user's identification" (column 4, line 61) is to be used when modifying or selecting a rating code, whose operation is affected as described in columns 4-5, lines 65-6.

As to claims 13 and 14, Kim discloses a memory component where the rating codes are stored, which is either "random access memory or non-volatile memory" (column 4, lines 24-25). The memory is an integral part of the device, thus permanent. Modification and selection of the desired rating code is done via a "macro function key" (column 4, line 22). As it is well known in the art, macros are sequences of computer instructions that get inserted into a program during execution or compilation (essentially, mini-programs). The control section compares the received rating code with the preset rating code and blocks the program signal accordingly. The control section is controlled by a "micro-computer" (column 4, line 34), which, upon determination of what action should be taken, "executes an operation" (column 5, line 64) and generates the appropriate control signal. A blocking signal is generated when "the rating code of the received program is out of scope of the preset rating code" (columns 6-7, lines 66-1). The

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claimed “one or more preset content-based specification sets preset by the manufacturer” and the claimed “family profile” are disclosed as described above in claim 1.

As to claims 15-18, they are rejected based on the same criteria used to reject claims 4-7, respectively.

As to claim 29, note the Kim reference which discloses a method of supervising personal exposure to a consumer electronics device. The claimed accessing a V-chip menu system stored in permanent memory...is met by the “V-chip” which is a part of the Kim reference (col. 1, lines 23-49). The claimed menu system including a menu comprising a first selection for accessing a preset criteria menu is met by Figure 10, where the user or parent may select a preset criteria menu, such as the television guidelines menu currently displaying “TV-G”, the motion picture guidelines menu currently displaying “G” or the unrated programs menu selection (col. 5, lines 45-67). The claimed second selection for accessing a custom criteria menu is met by selecting the television guidelines menu as described above and scrolling the selections to “TABLE” and making the selection, which causes the display table 62 as shown in Figure 11 to be displayed where the user may make customized selections (see col. 5, line 45 – col. 6, line 20). See claims 1 and 13, for a more detailed description of selecting preset criteria, as well as ratings and subject matter categories, and storing the preset criteria or rating code in memory 18 (col. 4, lines 25-27).

As to claim 30, the claim is rejected based on the rejection of claim 1.

As to claims 31-36 and 39-40, they are rejected based on the same criteria used to reject claims 2-7 and 11-12, respectively.

4. Claims 20-28 and 41-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Collings (USPN 5,828,402), cited by the examiner.

As to claim 20, Collings discloses an apparatus for selectively blocking A/V signals. The apparatus comprises of “non-volatile memory” (column 11, line 40), which is an integral part of the apparatus, thus permanent, and a logic unit (element 42) coupled to the non-volatile memory as can be seen from Figure 2. The unit detects the rating and subject matter category from the transmitted signal, compares it with “user preferences stored in memory” (column 3, line 6), and generates an appropriate control signal which either blocks or passes the transmitted program signal. Collings discloses a non-volatile memory 58 for storing one or more preset content-based specification sets comprising a rating and a subject matter category (see col. 17, lines 33 – col. 18, line 4). In addition, the claimed “user’s family profile” is met by a family profile for a particular viewing household which may consist of any preset program category threshold, such as “PG”, as shown in Figure 5D. The claimed “one or more preset content-based specification sets are preset by the manufacturer” is met by the categories (in menu 110 of Figure 5D) correspond to embedded codes containing category information that might be present in incoming signal 24 (col. 17, lines 42-48 and line 49 – col. 18, line 19 for additional information).

As to claims 21 and 26, the reference discloses an output device comprising of elements 39 and 34 as can be seen from Figure 2.

As to claim 22, Collings discloses a “remote control transmitter” (column 16, line 25), a “receiver” (column 16, line 22), and an “on screen display generator” (column 16, lines 22-23), which are used as a configuration entry system by the user.

As to claim 23, Collings clearly discloses a “data slicer” (column 8, line 51), which detects and extracts “one or more embedded codes in video signal” (column 3, lines 62-63).

As to claims 24 and 25, Collings discloses “switching means” (column 3, line 46), which can be in the form of “electromechanical relays or electronic switches” (column 3, line 51), or “apparatus which can selectively degrade signal, or add noise to signal” (column 3, lines 56-57), i.e., a scrambler.

As to claim 27, Collings discloses that the non-volatile memory can be “ROM” (column 11, line 43).

As to claim 28, Collings discloses a “microprocessor” (column 8, line 35), which controls the operation of the apparatus.

As to claim 41, Collings discloses that each preset specification set corresponds to an age group (see Table III in col. 7, Table IV in col. 22 and Table V in col. 23-24).

As to claim 42, Collings discloses that the preset specification set or category information is immediately selectable upon the initial operation of the consume electronics device (see col. 17, lines 42-57).

As to claim 43, Collings discloses in Table IV in col. 22 a specification set that comprises a television rating and a movie rating as shown by the “Level” which relates to a MPAA rating and a Pay-TV rating.

As to claim 44, Collings discloses multiple preset specification sets that include a plurality of standardized ratings as disclosed above in claim 41.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 8, 19 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim.

As to claims 8, 19 and 37, Kim includes all of the limitations set forth in them, but does not disclose a single content-based specification set. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a single content-based specification set for the sake of simplicity, i.e., requiring the user to go through less steps when configuring his preferences.

7. Claim 10 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim, in view of Elam (USPN 6,216,263), cited by the examiner.

As to claims 10 and 38, Kim includes all of the limitations set forth in claims 10 and 38, but does not disclose a dedicated function key. Elam however, discloses a “designation panel” (column 5, line 6), with “push-button switches which when depressed designate respective program content categories” (column 5, lines 10-11). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Kim’s apparatus with Elam’s teachings so that a preset content-based specification set could be selected with a dedicated function key in order to make the user’s preferences configuration process faster and easier.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael W. Hoyer whose telephone number is (703) 305-6954. The examiner can normally be reached on Monday to Friday from 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at (703) 305-4795.

Any response to this action should be mailed to:

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Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to customer service whose telephone number is **(703) 308-HELP**.

Michael W. Hoye
January 21, 2004


JOHN MILLER
SUPERVISORY PATENT EXAMINER
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